

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

THE CITY OF BRISTOL, TENNESSEE,)
)
Plaintiff,)
)
v.)
)
THE CITY OF BRISTOL, VIRGINIA,)
)
Defendant.)
)
)

Case No.: 1:22-cv-00023-JPJ

DECLARATION OF RANDALL EADS

I, Randall Eads, under penalty of perjury, declare that the following statements are true and correct to the best of my knowledge, information and belief.

1. I am the City Manager and City Attorney for the City of Bristol, Virginia (“Bristol VA”). I am over the age of 18 and am authorized to make this declaration on Bristol VA’s behalf. If called as a witness, I can testify competently about the facts in this declaration, all of which are within my personal knowledge, or which I have learned as part of my role as City Manager.

2. My role as City Manager involves conducting the business of Bristol VA, including supervising staff, budgeting, and communicating with citizenry and the city council. As part of these duties, I oversee the landfill at 2655 Valley Drive, Bristol, Virginia 24201 (the “Landfill”).

3. I am providing this declaration to detail the steps Bristol VA has undergone to speed up the application of intermediate cover over the Landfill so that the city meets its Court ordered obligation of installing 12-inches of intermediate cover over the Landfill by October 10, 2022.

Installation of Cover

4. Bristol VA began placing additional intermediate cover over the Landfill on June 13, 2022, before the Preliminary Injunction was entered, and has worked steadily since.

5. Since August 25, 2022, Bristol VA inquired with Virginia Department of Environmental Quality (“DEQ”) about whether a specific type of soil was required or recommended for use as intermediate cover. The response from DEQ was that a specific type of soil was not required for use as intermediate cover.

6. As of August 25, 2022, Bristol VA had placed almost 2,000 loads, amounting to approximately 20,000 tons, of cover to the landfill.

7. Since August 25, 2022, through September 13, 2022, Bristol VA workers have hauled an additional 1,049 loads, amounting to 9,148.15 tons, of cover to the landfill. These numbers show an increase from 39.68 loads per day from June 13 to August 24, 2022, to 62.62 daily loads from August 25 to September 13, 2022. The daily number of tons also increased during the same time-period from 408.37 tons to 571.76 tons. (**Exhibit 1**)

8. Additionally, Bristol VA hired contractors to augment its work-force and increase the number of truck loads. These contractors worked 7 days since August 25th logging 129 hours, carrying 229 loads, amounting to an additional 3,247.22 tons of intermediate cover. (**Exhibit 2**)

9. It has been 20 days since August 25, 2022, and Bristol VA workers and contractors hired by Bristol VA have worked on activities related to the application of intermediate cover all 14 of those days. Of those 20 days, 14 included hauling intermediate cover to the Landfill. The only days missed were 3 Sundays, Labor Day, and two days of rain (September 10 and 12).

10. During the period August 25 through September 9, 2022, Bristol VA workers

logged 197.5 regular hours and 127 hours of overtime working on activities to apply intermediate cover to the Landfill. (**Exhibit 3**)

11. Rain continues to remain an impediment to the process of applying intermediate cover, preventing the trucks from carrying soil on two days, hampering application of cover, and washing away prior application.

12. On September 9, 2022, Bristol VA stopped accepting waste at the Landfill, and as of September 14, 2022, the portion of the Landfill where trash had last been accepted, which is referred to as the “working face” of the Landfill, has been entirely covered.

13. Measurements of the depth of the intermediate cover were taken on September 14, 2022. Bristol VA took these measurements at the approximate locations where Mr. Williams took his intermediate cover measurements on August 23, 2022. (**Exhibit 4**).

14. **Exhibit 5** is a table listing the depths and GPS measurements and photographs at these locations.

15. Based on these measurements, Bristol VA estimates that 76% of the landfill has the requisite 12-inches of cover based on the fact that 16 of the 21 measurements taken have over 12-inches of cover.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated this 14 day of September , 2022.



Randall Eads